

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TIMOTHY A. MCCAMEY,

Plaintiff,

CASE NO. C17-0433-RSL-MAT

V.

SERGEANT SMITH,

Defendant.

REPORT AND RECOMMENDATION

INTRODUCTION AND SUMMARY CONCLUSION

Plaintiff, proceeding pro se and *in forma pauperis*, brought this 42 U.S.C. § 1983 civil rights action while incarcerated at Snohomish County Jail. He raised claims associated with his prior incarceration by the Washington State Department of Corrections (DOC). The Court found service on named defendant Sergeant Smith appropriate and issued an Amended Order Directing Service on October 5, 2017. (Dkt. 12.) On October 17, 2017, a copy of the amended order sent to plaintiff was returned to the Court as undeliverable, with a notation indicating plaintiff had been released. (Dkt. 13.)¹

¹ A prior service order was not delivered to the proper entity. (See Dkt. 12 at 1-2.) More recently, the Court was informed that, because Smith is no longer employed by the DOC, the Attorney General's Office is unable to facilitate the waiver of service on his behalf and no longer provides him with representation. (Dkt. 15.) However, at the direction of the Court, the Attorney General's Office could

1 Pursuant to Local Civil Rule (LCR) 41(b)(2), plaintiff is required to keep the Court and
2 opposing parties advised as to his current address. "If mail directed to a pro se plaintiff by the
3 clerk is returned by the Postal Service . . . , and if such plaintiff fails to notify the court and opposing
4 parties within 60 days thereafter of his or her current mailing . . . address, the court may dismiss
5 the action without prejudice for failure to prosecute." LCR 41(b)(2). In this case, more than sixty
6 days have elapsed since the Court's Amended Order Directing Service was returned as
7 undeliverable on October 17, 2017. Plaintiff has not advised the Court of his current address.
8 Given the time elapsed, and plaintiff's failure to keep the Court and the opposing party apprised
9 of his current mailing address, the Court recommends dismissal of this action without prejudice
10 for failure to prosecute. A proposed Order accompanies this Report and Recommendation.

11 OBJECTIONS

12 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
13 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
14 and Recommendation is signed. Failure to file objections within the specified time may affect
15 your right to appeal. Objections should be noted for consideration on the District Judge's motions
16 calendar for the third Friday after they are filed. Responses to objections may be filed within
17 **fourteen (14)** days after service of objections. If no timely objections are filed, the matter will be
18 ready for consideration by the District Judge on **January 12, 2018**.

19 DATED this 20th day of December, 2017.

20 
21 _____
22 Mary Alice Theiler
23 United States Magistrate Judge

24 submit under seal the last known business or home addresses for Smith. Given the recommendation below,
25 the Court does not find any further action in relation to Smith necessary at this juncture.